

**UNITED STATES  
DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT  
SOCORRO FIELD OFFICE**

**DECISION RECORD  
Bordo Atravesado Wild Horse Gather  
NM-A020-2010-07-EA**

**Introduction**

The Bordo Atravesado Herd Management Area (HMA), located within the Bordo Atravesado allotment, is approximately 15 miles northeast of Socorro, New Mexico. The HMA spans 19,605 acres, of which 16,492 acres are public land. There are 3,313 acres of private and State lands that intermingle with the public lands and that are controlled by the grazing permittee. The Bordo Atravesado HMA is located entirely within the boundaries of the Bordo Atravesado allotment. It should be noted that additional acres of the allotment are located outside of the HMA. The cooperation of the permittee allows the horses to traverse, graze, and water on the private and state lands in addition to the public lands within the HMA. The grazing permittee has voluntarily reduced livestock numbers within the HMA by 35%.

When the Wild Free-roaming Horse and Burro Act of 1971 was enacted, there were 25 horses on what would become the Bordo Atravesado HMA. In 1980, it was officially designated as an HMA with an AML of 29 to 32 horses. The HMA was managed at this AML until 1989, when the AML was increased to an average of 50 horses.

The determination of the HMA boundary was based upon observations of wild horse movements and use patterns, inventories subsequent to passage of the Wild Free-roaming Horse and Burro Act, topographic features of the area (such as steep mountainous terrain to the east), availability of water in the area, existing fences, and statements of the allottee and historical records.

The proposed action is in conformance with the terms and conditions of the approved Resource Management Plan for the Public Lands Administered by the Bureau of Land Management, Socorro Field Office, August 1989, Socorro Resource Management Plan EIS (BLM-NM-PT-89-021-4410), as required by 43 CFR 1610.5. Specifically, the RMP states on page 2-17 that the objective of the Wild Horse Program is to: "...manage the wild horse herd at an average of 40-50 horses and introduce outside stock to maintain a viable healthy herd." It also states that "[a]pproximately every 2 to 3 years, wild horses on the Bordo Atravesado WHMA will be inventoried, then gathered to remove the excess horses and maintain the average designated stocking level."

The Bordo Atravesado Wild Horse Herd Management Plan of 1980 and the August 1991 revision provide the authority to manage the horse herd at an established AML and make management decisions on the basis of animal type, conformation, color, age, sex, location, and free-roaming behavior.

**Public Comments**

One hundred thirteen comments were received in response to this EA. The majority (66) of the comments were outside of the scope of this EA. These comments included: ecotourism, eliminating or reducing livestock grazing, introduction of predators, removal of fences, re-evaluation of the AML for horses, and economic analysis of long- and short-term holding of removed horses.

The remaining, substantive comments were organized into the following general categories:

### ***Herd Management***

The Bordo Atravesado Herd Management Plan established a sex ratio of one male to five mares. Upon further analysis, the sex ratio should be reduced to a smaller ratio, potentially a one-to-one ratio. When the horses are gathered, we will determine the present ratio of mares to studs and make efforts to reduce the stud to mare ratio. The EA was changed to reflect a different ratio; this change may potentially reduce the population growth of the herd. Implementing this change and following the selection criteria may allow the release of older horses back to the HMA.

### ***No Action***

Several respondents requested that SFO implement the No Action alternative, allowing natural predator control to manage herd populations. This alternative is not in compliance with the Socorro Resource Management Plan. In addition, this alternative would not allow the Socorro Field Office to manage for a thriving ecological balance and prevent damage to the range. The goal of the Wild Horse Management Program is to maintain this balance between wild horses, wildlife, and livestock.

In regard to predators having managed wild horses in the past, some foals have been taken by mountain lions within the Bordo Atravesado HMA. However, predation levels have not resulted in zero growth of the herd. The SFO is not aware of recent or current predator control within the HMA. Animal damage control cannot give us specific information on predator control based on court interpretation of the Privacy Act.

### ***Fertility Control***

Several respondents requested that the SFO utilize fertility control measures instead of a gather. Reducing the sex ratios allows for lower reproductive capability in the herd. This action allows for a slower growth rate of the herd population, which may have similar results as a fertility control program. The BLM is continuing to research the effects of fertility control. Gathering herd characteristics and developing a kinship database for the Bordo Atravesado Herd would allow for future implementation of a fertility program, if feasible.

### ***Herd Viability***

Some respondents were concerned with the continued viability of the herd. The SFO is aware of the genetic viability issues of the Bordo Atravesado Herd. The Bordo Atravesado Herd Management Plan states that the purpose of introducing outside horses is to maintain a viable, healthy herd along with a balanced sex ratio.

### ***Physiological Effects on Horses***

The EA discusses the physiological/stress impacts on the horses captured in the Environmental Consequences section. Specifically, the direct and indirect stresses to both individual horses and to the herd were analyzed. The proposed action of water trapping minimizes the stress levels as compared to other methods.

## **Decision**

In accordance with the Bordo Atravesado Wild Horse Gather EA (DOI-BLM-NM-A020-2010-07-EA), it is my decision to implement the Proposed Action. The Proposed Action is to:

1. capture approximately 107 wild horses via water-trapping methods
2. determine sex, age and color, acquire hair samples, assess herd health (pregnancy/parasite loading/physical condition/etc), and sort individuals as to age, size, sex, temperament and/or physical condition
3. return selected animals to the range

4. remove approximately 40 to 60 excess wild horses (reduce to lower range of AML)

If it is determined during or after the gather that wild horses need to be introduced to increase genetic viability, additional wild horses may be gathered and removed and wild horses from another herd introduced.

After analyzing the comments received, it has been determined that the ratio of studs to mares within the horses returned to the HMA should be clarified. The initially proposed ratio of 1 stud to 5 mares will be changed to a larger ratio of studs to mares. Modification of the proposed action to increase the number of studs to mares would allow for a slow population growth for the herd. This should result in a reduction in the number of future excess animals, potentially increasing the amount of time between gathers. This would also allow the release of older horses back into the HMA.

The decision on removing horses is based on monitoring studies and the objectives of the Bordo Atravesado Herd Management Plan.

This constitutes my final decision to gather and removed excess wild horses from the Bordo Atravesado Wild Horse HMA. Pursuant to Title 43 of the Code of Federal Regulations at 477.3(c), the Bordo Atravesado Wild Horse Gather is approved for implementation upon the date of my signature below.

### **Rationale**

Upon analyzing the impacts of the Proposed Action and following issuance of the EA for public review, I have determined that the Proposed Action will not have a significant impact to the human environment, and that an Environmental Impact Statement is not required. The attached Finding of No Significant Impact provides the reasons why I have reached such a determination.

Removal of excess horses is necessary in order to achieve a thriving natural ecological balance between wild horse populations, wildlife, livestock, vegetation, and the available water as authorized under Section 3(b)(2) of the 1971 Wild Free-roaming Horse and Burro Act and Section 302(b) of the Federal Land Policy and Management Act of 1976.

A gather is necessary to remove excess horses in order to achieve the established AMLs at which a thriving balance can be maintained within the HMA and prevent the range deterioration associated with the current overpopulation of wild horses. This deterioration would continue unabated if the excess wild horses are not removed from the Bordo Atravesado Herd Management Area.

The proposed gather would:

- Help limit wild horses to areas within the established Herd Management Area;
- Prevent utilization objectives from being exceeded in larger areas, and reduce the amount of use during the critical growth period for perennial grasses;
- Decrease forage among wild horses and wildlife;
- Prevent the deterioration of rangelands and vegetation resources;
- Maintain a multiple use relationship for the area

The following constitutes the rationale for making this decision effective upon issuance:

#### ***(a) Potential Damage to Rangeland***

Population and resource monitoring data show that current wild horse populations are exceeding the range's ability to sustain wild horse use over the long term, due to excess wild horse number and limited forage, space, and water resources. If no horses are removed, populations would continue to increase and have a negative impact on other uses, as well as on the herd. These negative impacts would include a declining condition in the vegetation, soils, wildlife habitat, wilderness values, and watersheds.

***(b) Potential Impacts to Animal Health***

As the population increased, competition for space would also increase, along with all the associated stress. Social interaction would change. Horses would die of starvation or disease. Over-population could cause the horses to leave the HMA. These impacts would be cumulative over time.

The Proposed Action is in accordance with 43 CFR 4720.1, which states:

*Upon examination of current information and a determination by the authorized office that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately.*

**Authority**

The authority for this decision is contained in Section 3(b)(2) of the 1971 Free-Roaming Wild Horses and Burros Act, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4700.

***§4700.0-6 Policy***

- (a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
- (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans; (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior; (d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

***§4710.4 Constraints on Management***

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

***§4720.1 Removal of excess animals from public lands***

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animal immediately in the following order:

- (a) Old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title;
- (b) Additional excess animals for which an adoption demand by qualified individuals exists shall be humanely captured and made available for private maintenance in accordance with subpart 4750 of this title; and
- (c) Remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this part.

***§4770.3 Administrative Remedies***

- (a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR, part 4.

(c) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple-use relationship shall be effective upon issuance or on a date established in the decision.

### **Appeal Provisions**

Within 30 days of receipt of this decision, you have the right to appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4Subpart E 4.400, et seq. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error. The appellant has the burden of showing that the decision appealed from is in error.

The petition must be served upon the same parties identified below. Copies of the notice of appeal and petition for a stay must also be submitted to the Bureau of Land Management at the following address:

Danita Burns, Field Office Manager  
Socorro Field Office  
901 S Hwy 85  
Socorro, NM 87801

Copies of the notice of appeal and petition for stay must be submitted to:

U.S. Department of the Interior  
Board of Land Appeals  
Dockets Attorney  
801 N. Quincy Street, Suite 300  
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

Office of the Field Solicitor  
Southwest Region  
P.O. Box 1042  
Santa Fe, New Mexico, 87504-1042.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals; therefore, they will not be accepted.

### **Approval**

/s/ Danita Burns

Field Manager  
Socorro Field Office

6/1/2010

Date